

# SENATE BILL REPORT

## E2SHB 2817

---

---

As Reported By Senate Committee On:  
Water, Energy & Telecommunications, February 27, 2008  
Transportation, March 03, 2008

**Title:** An act relating to motor vehicles, vehicles, and vessels contaminated with methamphetamines.

**Brief Description:** Concerning motor vehicles, vehicles, and vessels contaminated with methamphetamines.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Campbell, Green, Morrell, Hudgins and McCune).

**Brief History:** Passed House: 2/18/08, 94-0.

**Committee Activity:** Water, Energy & Telecommunications: 2/27/08 [DPA-TRAN].  
Transportation: 3/03/08 [DPA(WET)].

---

### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** Do pass as amended and be referred to Committee on Transportation.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Hatfield, Holmquist, Oemig and Pridemore.

**Staff:** Sam Thompson (786-7413)

---

### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended by Committee on Water, Energy & Telecommunications.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Berkey, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, King, Pflug, Sheldon and Spanel.

**Staff:** Natalie Zukowski (786-7307)

**Background:** Residue from hazardous chemicals used to manufacture illegal drugs, including methamphetamine can contaminate structures and harm occupants. An owner of contaminated property may decontaminate it by employing a contractor certified by the Department of Health as capable of performing that task. If the owner does not decontaminate the property, cities and counties may, subject to certain procedural requirements, condemn or demolish the

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

property. It is suggested that additional and more specific standards are necessary regarding contaminated vehicles and vessels.

**Summary of Bill (Recommended Amendments):** A city or county in which a vehicle or vessel contaminated by hazardous chemicals is located must prohibit its use, occupancy, or removal, and require its demolition, disposal, or decontamination. This requirement arises when a local health officer issues an order declaring the vehicle or vessel unfit and prohibiting its use due to contamination. The city, county, or local law enforcement agency may impound the vehicle or vessel. Provisions governing impoundment of vehicles in the Motor Vehicle Code do not apply.

Disposal or Decontamination. The owner of a contaminated vehicle or vessel must have it demolished, disposed of, or decontaminated by an authorized contractor, or under a plan approved by the local health officer, within 30 days of receiving an order declaring it unfit and prohibiting its use. If, after all notice and appeal procedures are exhausted, the property owner has not acted, the local health officer or law enforcement agency may demolish, dispose of, or decontaminate the vehicle or vessel.

Costs. Property owners are responsible for demolition, disposal, or decontamination costs and costs incurred by local health officers or law enforcement agencies. However, legal owners whose sole basis of ownership is a bona fide security interest are responsible for costs only if they knew of or consented to an act or omission causing the contamination.

Owners of stolen vehicles or vessels that neither knew of nor consented to acts or omissions contributing to their theft and later contamination are not responsible for costs. However, insured registered owners must submit insurance claims for reimbursement of local enforcement and demolition, disposal, or decontamination costs and provide proof of claim to local health officers or law enforcement agencies.

Forfeiture. If an owner has not demolished, disposed of, or decontaminated a contaminated vehicle or vessel and the local health officer or law enforcement agency has taken responsibility for doing so, all rights, title, and interest in the property are forfeited to the local health jurisdiction or law enforcement agency.

Release for Reuse. When satisfactory decontamination is completed and contaminated property has been retested according to a plan approved by the local health officer, the officer will issue a release for reuse document.

Notice on Title. The Department of Licensing (DOL) must place notifications on titles of contaminated vehicles and vessels to the effect that they have been declared unfit and prohibited from use by the local health officer. Following issuance of a release for reuse, DOL will place notification on the title to the effect that the vehicle or vessel has been decontaminated and released for reuse.

Unlawful Sale. A person is guilty of a gross misdemeanor if that person advertises for sale or sells a vehicle or vessel declared unfit and prohibited from use by the local health officer when the person knew that the vehicle or vessel was found to be contaminated or a notification was placed on the title to the effect that it was declared unfit and prohibited from use. A person may advertise for sale or sell a vehicle or vessel when a release for reuse document has been

issued by the local health officer or a notification has been placed on the title to the effect that it has been decontaminated and released for reuse.

Impounded Vehicle. A tow operator who contracts with a law enforcement agency for transporting an impounded vehicle must only remove a contaminated vehicle to a secure public facility, and is not required to store or dispose of the vehicle. It must remain in the care, custody, and control of the law enforcement agency to be demolished, disposed of, or decontaminated. The law enforcement agency must pay for all costs incurred as a result of the towing if the vehicle owner does not pay within 30 days. It may seek reimbursement from the owner.

The act is null and void if funding is not provided in the omnibus transportation appropriations act..

**EFFECT OF CHANGES MADE BY WATER, ENERGY & TELECOMMUNICATIONS COMMITTEE (Recommended Amendments):** The bill is expanded to address vehicles and vessels contaminated by other hazardous chemicals, in addition to those related to methamphetamine production. The title is amended and technical corrections are made. It is clarified that the act is null and void unless funded in the omnibus transportation appropriations act, rather than the omnibus appropriations act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Second Substitute (Water, Energy & Telecommunications):** PRO: This measure provides a better "tool kit" to address cleanup of contaminated vehicles and vessels. The sponsor supports the proposal to expand the bill's coverage.

OTHER: The notifications on vehicle and vessel titles should be readily apparent to vehicle or vessel dealers, who have access to titles. In personal sales, purchasers not checking titles may possibly lack notice.

**Persons Testifying (Water, Energy & Telecommunications):** PRO: Representative Campbell, prime sponsor; Jeff Killip, Washington State Association of Local Public Health Officials.

OTHER: Karla Laughlin, DOL.

**Staff Summary of Public Testimony on WET Recommended Amendments (Transportation):** PRO: There are concerns that contaminated vehicles are being sold at auctions without people knowing they are contaminated. People should know what they are buying. Notice on the vehicle or vessel title would help to inform the public.

**Persons Testifying (Transportation):** PRO: Representative Campbell, prime sponsor; Jonelle Fenton-Wallace, Snohomish Regional Drug Task Force, Washington State Association of Local Public Health Officers.